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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,645	06/13/2000	Joseph A. Manico	81254F-P	7582

1333 7590 04/09/2002

PATENT LEGAL STAFF  
EASTMAN KODAK COMPANY  
343 STATE STREET  
ROCHESTER, NY 14650-2201

EXAMINER

HENDERSON, MARK T

ART UNIT

PAPER NUMBER

3722

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/593,645**

Applicant(s)  
**Manico et al**

Examiner  
**Mark Henderson**

Art Unit  
**3722**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 23, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 44-47 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 and 44-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### **Faxing of Responses to Office Actions**

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXING of responses to Office Actions directly into the Group at (703)305-3579. This practice may be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

1. Claims 12-14, 21, 34, 45, 47 have been amended. Claims 35-43 have been canceled.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-33 and 44-47 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Manico et al (5,791,692) in view of Hambright (6,164,859).

Manico et al discloses in Fig. 1-6, an image product comprising a first support substrate (36) having a separate image layer (15-19) thereon, a second support substrate (38) having a separate image layer (21-25) thereon, wherein the second support substrate is secured to the first support substrate (Fig. 4 and 5) so as to form a dual sided image product, and wherein the first and second substrates are made from a photographic media, a thermal media and a photographic paper; and wherein the image layer comprises a photographic emulsion layer.

However, Manico et al does not disclose a image product having: a fold line or a plurality of fold lines about which the image product may be folded into numerous sections; image product folded in a Z-type fold; a cover for holding at least one leaf and a free standing product; wherein the numerous sections comprise a first, second and central section; wherein the side sections cover the central section; an attaching member comprising a ring to secure leaf or leaves with an opening to the cover.

Hambright discloses in Fig. 1-8, an image product (14) comprising a fold line (104) in which the image product can be folded in numerous sections (62 and 64) and wherein the image product also contains a cover (12) or free standing product for holding the image product (14),

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an attaching member consisting of a ring (48) to secure the image product to the cover, and an opening in the leaf (66A) to secure the leaf to the ring.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Manico et al's image product to include fold lines to divide product into numerous sections or panels as taught by Hambright for the purpose of providing a panoramic display of articles.

In regards to **Claims 2, 3, 10, 21, 22 and 47**, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include as many fold lines and sections as desired, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

In regards to **Claims 3, 12, 13, 22**, it is notoriously well known to use a Z-fold to fold an article, since applicant has not disclosed that a Z-fold type solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any type of fold.

In regards to **Claim 11**, it would have been an obvious matter of design choice to construct the sections in any desirable size, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

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3. Claim 34 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Manico et al in view of Hambright as applied to claims 29-33 above, and further in view of Fabel (5,836,622).

Manico et al as modified by Hambright discloses an image product comprising all the elements as set forth in Claims 29-33, and as set forth above. However, Manico et al does not disclose an emboss line.

Fabel discloses in Col. 6, Lines 21-26, an image product having embossed lines used for folding an article.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Manico et al's and Hambright's image product to include embossed lines as taught by Fabel for the purpose of providing an uncut fold line.

### ***Response to Arguments***

4. Applicant's arguments filed on January 23, 2002 have been fully considered but they are not persuasive.

In response to applicant's argument that the Hambright reference is not an image product, the examiner submits Hambright does indeed disclose an image product in its broadest interpretation. Manico et al disclose an image product comprising a first and second support

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substrate both having separate image layers, wherein the second support substrate is secured to the first support substrate so as to form a dual sided image product and wherein the first and second substrates are made from a photographic media. However, Manico et al does not disclose a product having: having a fold line(s) about which the image product may be folded into numerous sections. Hambright is only relied upon for disclosing an image product (broadest interpretation) which may be folded into numerous sections and wherein the image product also includes a cover or free standing product for holding the image product, an attaching ring member and an opening in the product leaf to secure it to the ring. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Manico et al's image product to include fold lines to divide the product into numerous sections or panels as taught by Hambright for the purpose of providing a panoramic display of articles. Furthermore, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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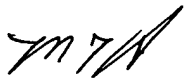
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (703)305-0189. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington, can be reached on (703) 308-2159. The fax number for TC 3700 is (703)305-3579. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703)308-1148.



MTH

April 1, 2002



A. L. WELLINGTON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 37